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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Mexico, Mongolia, Netherlands, Norway, Romania, Slovakia, Slovenia and Spain: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the "Paris Principles"[1] relating to the status and functioning of effective national institutions for the protection and promotion of human rights,

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing the important role of the United Nations in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation between the United Nations and these national institutions in the promotion and protection of human rights,

[1] A/RES/48/134, annex.

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Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Declaration and Platform for Action,[3] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the Programme of Action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights,[4] for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Taking note with appreciation of the reports of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights[5] and on the accreditation process of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights,[6]

Noting with satisfaction the strengthening of the accreditation procedure of the International Coordinating Committee of National Institutions for the Promotion and protection of Human Rights,

Noting with appreciation the continuing work of the regional human rights networks in Europe, the Network of National Institutions for the Promotion and

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[2] A/CONF.157/24 (Part I), chap. III.

[3] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[4] See A/CONF.157/NI/6.

[5] A/HRC/7/69.

[6] A/HRC/7/70.

Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Takes note with appreciation* of the report of the Secretary-General;[7]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[1]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting their Government's cooperation with the United Nations for the promotion and protection of human rights;

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Also recognizes* that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights, and calls upon States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

7. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

8. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

9. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

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[7] A/62/287.

10. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the international human rights system, especially in the Human Rights Council, including its universal periodic review mechanism and, the special procedures, as well as in the human rights treaty bodies, in accordance with Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007[8] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[9]

11. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

12. *Acknowledges* the role of national institutions in the strengthening of the rule of law and the promotion and protection of human rights in all sectors and encourages cooperation, where appropriate, with the United Nations system, as well as with the World Bank, other international financial institutions, and non-governmental organizations;

13. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

14. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional voluntary funds to that end;

15. *Welcomes* the national institutions website[10] as an important vehicle for the delivery of information to national institutions and also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

16. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

17. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the sessions of the Human Rights Council;

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[8] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[9] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sec. A.

[10] See http://www.nhri.net.

18. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Human Rights Council, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

19. *Encourages* national institutions to seek accreditation status through the International Coordinating Committee of National Institutions, and notes with satisfaction the strengthening of the accreditation procedure and the continued assistance of the Office of the United Nations High Commissioner for Human Rights in this regard, as well as the assistance of the Office to the Conferences of the International Coordinating Committee;

20. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

21. *Requests* the Secretary-General to continue to provide the necessary assistance for holding international and regional meetings of national institutions;

22. *Recognizes* the important and constructive role that the judiciary, parliament and civil society can play, in cooperation with national institutions, for better promotion and protection of human rights;

23. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

24. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work in close cooperation with national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and rule of law, and in this regard welcomes joint efforts made by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme to develop partnerships in support of national institutions;

25. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.